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United States District Court for the Western District of Washington

Sai  
Plaintiff

v.

Civil Action No.: 2:17-cv-1941 RJS

Abdi *et al.*  
Defendants

***Ex parte* motion for stay; or in the alternative, extension**

On April 23, 2018, ECF No. 9, M.J. Theiler issued a second R&R re Plaintiff's IFP motion.

Plaintiff moves for a stay of time to respond, until 30 days after the First Circuit issues its decision on the *identical* question well-briefed and pending before it for several months now. As presented previously, Plaintiff has requested a decision specifically to expedite the matter for this Court.

On May 15, Plaintiff moved for an extension to tomorrow, June 1. In light of intervening events, disability, and total lack of counsel, Plaintiff moves in the alternative for an extension to August 1.

Unexpectedly to Plaintiff, the court in their FOIA/PA case<sup>1</sup> issued a ruling on TSA's MSJ, which had been pending for 2 years. *Sai v. TSA*, No. 14-cv-403, ECF No. 162 (D. D.C., May 24, 2018) (granting in part and denying in part TSA's MSJ; multiple issues left open). The court has ordered Plaintiff to attend a hearing on the matter tomorrow, during which Plaintiff expects that it will order further briefing, on an as yet unknown (but likely expedited) schedule.

In the First Circuit, the Government has filed an opposition for which Plaintiff needs to file a reply today. *Sai v. Pekoske*, No. 15-2356 (1st Cir., response filed May 23, 2018). In the same case, Plaintiff must also file an FRAP 28(j) letter about the FOIA court's decision, which has complex interaction with

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<sup>1</sup> The FOIA case covers, among other things, documents that would be direct evidence for this case.



the First Circuit's proceeding due to 49 U.S.C. § 46110(a).

In Plaintiff's SFO case, the first case management conference was yesterday, with resulting orders. *Sai v. Covenant Aviation Security*<sup>2</sup>, No. 16-cv-1024, ECF Nos. 172 & 172 (N.D. Cal. May 30, 2018).

The parties have been ordered to either come to a negotiated stipulation on a difficult and novel issue of transnational law<sup>3</sup> for a protective order, or to brief the matter, by June 29. Response briefs are due July 13. Furthermore, an amended complaint in that case is also due on July 20, and will require addressing some complex issues (such as the "behavior detection" program and a claim arising from the Government's *refusal* to conduct a search).

These will all require extensive research for Plaintiff — without the benefit of counsel, money, or good health.

Briefing this Court on a question *exactly* presented to the First Circuit, which it will likely rule on with a full opinion, would be a waste of resources for both Plaintiff and this Court. It would require re-briefing after the opinion issues.

Therefore, Plaintiff moves for stay, to be relieved from spending their very limited energy on an R&R objection brief that would be shortly outdated by the First Circuit's opinion. In the alternative, Plaintiff moves for an extension until after the other major filings Plaintiff must address, listed above.

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<sup>2</sup> Formerly *Sai v. Smith*

<sup>3</sup> Namely, EU General Data Protection Regulation (GDPR) & UK Data Protection Act (DPA) compliance, both as to Plaintiff's own privacy, and the rights of third parties *against* Plaintiff's disclosure. The GDPR came into effect only a few days ago — May 25, 2018 — so its application in US discovery against a UK-resident plaintiff, such as Sai, is a matter of nationwide first impression.



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Respectfully submitted,  
Sai, *plaintiff pro se*

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### Certificate of service

I hereby certify that today, May 31, 2018, I caused this motion to be mailed to the Court for filing, as well as providing a courtesy copy (together with .docx format proposed order) by email.



